

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PATRICK HENRY MURPHY JR., §
§
Petitioner, §
§
§
-VS- § CIVIL NO. 3:09-cv-01368-L-BN
§
§ *CAPITAL CASE*
§
WILLIAM STEPHENS, Director, §
Texas Department of Criminal Justice, §
Correctional Institutions Division, §
§
Respondent. §

JOINT REPORT REGARDING ANY PTSD EXPERT

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE DAVID L. HORAN:

Pursuant to the Court's Order Requiring Joint Report Regarding Schedule, ECF No. 78, the parties have conferred. Counsel for Petitioner Murphy informed Counsel for Respondent that he would disclose any PTSD report he intends to use in the upcoming evidentiary hearing no later than December 15, 2014. The parties have agreed to the following proposed schedule.

1. Petitioner shall provide expert disclosure as required by Federal Rule of Civil Procedure 26(a)(2)(B) regarding any PTSD report he intends to use (if any) at the hearing no later than December 15, 2014.
2. Respondent will make any objections to the qualifications of any PTSD expert named in the disclosure (if any) made by Petitioner and file any motions for authorization to conduct discovery no later than December 29, 2014.

3. Respondent shall provide expert disclosure as required by Federal Rule of Civil Procedure 26(a)(2)(B) regarding any PTSD report he intends to use (if any) at the hearing no later than January 28, 2015.

4. Petitioner will make any objections to the qualifications of any PTSD expert named in the disclosure (if any) made by Respondent and file any motions for authorization to conduct discovery no later than February 4, 2015.

5. On or before February 4, 2015, the parties shall file a joint prehearing statement, which shall:

- a. Identify counsel who will appear at the hearing;
- b. Identify any stipulated and uncontested facts;
- c. Identify the contested issues of fact and law;
- d. Identify the witnesses to be called at the hearing, including a brief description of their anticipated testimony; and
- e. Identify the exhibits to be presented at the evidentiary hearing, noting any objections by the party against whom the exhibit is to be offered.

6. A prehearing conference is reset for 9:00 a.m. on Wednesday, February 18, 2015, before U.S. Magistrate Judge David L. Horan, in Courtroom 1561, 15th Floor, 1100 Commerce Street, Dallas, Texas or by phone.

7. The evidentiary hearing is reset for 9:00 a.m. on February 24, 2015, February 25, 2015, or February 26, 2015 in Courtroom 1561, 15th Floor, Earle Cabell Federal Building, 1100 Commerce Street, Dallas, Texas.

CONCLUSION

The parties respectfully request that the Court enter a scheduling order reflecting the agreed upon dates listed above. Recognizing that the Court may have matters scheduled during one or more of the proposed dates for the evidentiary hearing, the parties have proposed three dates during which both counsel are able to attend.

DATED: November 7, 2014

Respectfully submitted,

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